

**APPENDIX 32**

**PUBLIC HEARING MINUTES**

**FEBRUARY 8, 2011**

Hearings can also be viewed on the Town Clerk's Citizens' Portal at  
<http://southamptonny.iqm2.com/citizens/>



# Southampton Town Board

## Special Town Board Meeting

~ Minutes ~

116 Hampton Road  
Southampton, NY 11968  
<http://southamptontownny.gov>

Sundy A. Schermeyer  
(631) 287-5740

Tuesday, February 8, 2011

6:00 PM

Town Hall - Town Board Room

### I. Call to Order

6:00 PM Meeting called to order on February 8, 2011 at Town Hall - Town Board Room, 116 Hampton Road, Southampton, NY.

Attendee Name	Organization	Title	Status	Arrived
Anna Throne-Holst	Town of Southampton	Supervisor	Present	6:00 PM
James Malone	Town of Southampton	Councilman	Present	6:00 PM
Nancy Graboski	Town of Southampton	Councilwoman	Present	6:00 PM
Bridget Fleming	Town of Southampton	Councilwoman	Present	6:00 PM
Chris Nuzzi	Town of Southampton	Councilman	Present	6:00 PM
Kathleen Murray	Town of Southampton	Deputy Town Atty	Present	6:00 PM

### 2. Statement

1. Supervisor Throne-Holst opened meeting.
2. Town Clerk Sundy Schermeyer read the special meeting notice into the record.

### II. Public Hearings

#### 1. Public Hearing to Consider Adopting the Hampton Bays Corridor Strategic Plan and the Accompanying Hampton Bays Corridor Strategic Plan GEIS and Cumulative Impact of Build-Out Study as Part of the Southampton Town Comprehensive Plan

*Adjourned 2/1/2011 6:00 PM, 2/8/2011 6:00 PM*

##### **COMMENTS - Current Meeting:**

1. Supervisor Throne-Holst stated that this legislation has been three (3) years in the making. She recognized Freda Eisenberg who led exhaustive meetings with the public. She discussed the main concerns of building density, tax burden, vitality of downtown, enhancing community character, environmental protection, traffic and areas that have the potential for preservation. She further discussed the Planning Reform Group's focus on five (5) main areas as follows; 1) re-zoning; 2) site specific property; 3) transportation; 4) build-out; and 5) the environment.

2. Town Planning & Devel. Admin. Jeff Murphree thanked Freda Eisenberg for her hard work on this legislation. He stated it was a plan for the future and an opportunity for proper balance.

3. Asst. Town Planning & Devel. Admin. Freda Eisenberg discussed the following;

A. Project History: She discussed the Hamlet Study of 1999 and update in 2006 re: the commercial corridor between Montauk Highway and Jones Road. She stated that the focus remains on the corridor and was expanded to include a build-out analysis.

B. Project Process: She recognized the consultants Hutton Associates and Cashin re: the DGEIS. She discussed the in-house resources of; current planning, long range planning, environmental division, housing and transportation. She stated that the GIS staff prepared a set of 34 analysis maps through e-government and placing them on the Town's website.

C. Public Involvement: She discussed presentations to the Hampton Bays CAC, Business Advisory Committee, Suffolk County DPW and also to the Suffolk County Planning Commission as part of the SEQRA process.

D. Proposed Action: She discussed the Hampton Bays Strategic Plan and GEIS. She further discussed the re-development of the commercial corridor and environmental concerns.

E. Hamlet Vision Statement: She discussed descriptive comments from the community such as vibrant, historic, seaside, ecological, green, safe and distinctive.

F. HO/HC Comparison: She stated that the 1999 Comp. Plan Update recommended this plan, i.e. moving from Highway Business to HO/HC and shifting the core density to the central business district. She further discussed the Hutton Associates study in that the hamlet should have a dense commercial core and a number of overlay zones.

G. Transitional Overlay Zone: She stated that this would be outside the hamlet center with a 50 ft. vegetative buffer between commercial zoning and the highway, i.e. McDonald's.

H. Site Specific Concepts: 1) Boardy Barn site re-development; 2) Western Central Area - Bellows Pond Road; 3) Creation of open space and Pine Barren Credits receiving areas; 4) Intersection of Rt. 24 and Montauk Highway - Good Ground Road extension and gateway visual features i.e. Hampton Bays Diner; 5) Cinema Square and Post Office area - pocket parks and possible relocation of the post office; 6) Good Ground Green and N. Main Street - shops fronting on Good Ground and the creation of a North Main Street; 7) Canal Area - adaptive re-use and continued public access, i.e. restaurant, public esplanade area and a roundabout.

I. Transportation: She discussed 1) roundabouts, traffic signals and road re-configuration i.e. Good Ground Road extension, Montauk Highway re-alignment, shoulders, bike lanes and re-striping; 2) Old Riverhead Road and Newtown Road and possible roundabouts; 3) Proposed transit improvements such as shuttle bus service and a car sharing service; and 4) Proposed Pedestrian Improvements such as wider sidewalks; historic signage; safe routes to school and bicycle routes.

J. Build-Out Projects: She discussed the remaining growth from single family residences on lots that have been subdivided.

K. Growth Management Recommendations: She discussed 1) reduction in commercial density; 2) the accessory apartment code; 3) the TDR Program; 4) Increase in land preservation; and 5) PDDs.

L. Stormwater Management: She discussed 1) Munn's Pond; 2) Upper Tiana Creek; and 3) runoff and drywells.

M. Water Protection: She discussed 1) public well fields at Bellows Pond Road; and 2) land acquisition.

N. Public Education: 1) Hampton Bays Water District; 2) Town Environmental Division; and 3) Stormwater Mgmt.

O. Public Hearing: She stated that the FEIS will provide a written record and response identifying areas where there is consensus and support. She further stated that the public can weigh in on the Town's website.

4. Eve Houlihan member of the Ad Hoc Committee discussed the disproportionate density in the hamlet. She further discussed environmental concerns, water quality and stormwater run-off. She also discussed population increases and build-out projections. She further discussed accessory apartments and the 1999 Comp. Plan Update.

5. Jeff Murphree discussed the codification of the 1999 Comp. Plan Update with over 500 recommendations of which over half have been implemented.

6. Eve Houlihan discussed Chapter 330-9 and population density and median housing values.

7. Joseph Ruggieri of Hampton Bays discussed the GEIS process. He also discussed public notice - posting at the library, major construction sites, the post office and having meetings in Hampton Bays. He also discussed energy consumption, electricity and sewage issues.

8. Marion Boden discussed the density in Hampton Bays. She further discussed projected population estimates and residential build-out.

9. Dr. Bruce King, Pres. of the Hampton Bays Civic Association discussed retail opportunities, sewage, school budgets and the need for a walkable village.

10. Jen Hartnagle, Group for the East End discussed the creation of a Waterfront Overlay Protection District and ground and surface water. She further discussed hamlet-by-hamlet community benefits and the need for a timely action plan.

11. Mary Jean Green of Hampton Bays discussed ground and surface water. She discussed her opposition to the chromaglass sewage system. She further discussed a Waterfront Revitalization Plan.

12. Tony Filorino of Hampton Bays discussed density issues.

13. Eve Houlihan discussed the infrastructure of the Hampton Bays Water District, i.e. 16" water mains. She also discussed the LWRP and the Trustees.

14. Richard Casabianca discussed the Village Business zoning, the accessory apartment law and the landmarks and historic districts law.

15. Town Clerk Sundy Schermeyer read a letter into the record from Bonnie Doyle.

**III. Public Portion****IV. Closing****1. Motion To:** Adjourn**COMMENTS - Current Meeting:**

There being no further business, Supervisor Throne-Holst made the motion to adjourn the Special Meeting at 8:33pm, seconded by Councilman Nuzzi, all in favor 5-0.

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SUNDY A. SCHERMEYER, TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Anna Throne-Holst, Supervisor
<b>SECONDER:</b>	Chris Nuzzi, Councilman
<b>AYES:</b>	Throne-Holst, Malone, Graboski, Fleming, Nuzzi

**APPENDIX 33**

**PUBLIC HEARING MINUTES**

**MARCH 8, 2011**

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<http://southamptonny.iqm2.com/citizens/>

10. Mary Jean Green, H.Bays - requested an adjournment of the public hearing. She submitted comments into the record. She stated the intent of the PDD law was to design communities around open space. She stated that the submission process should be density specific. She further discussed flexibility and design standards. She also discussed the super majority issue and also the Canoe Place Inn.
11. Jen Hartnagle of the Group for the East End spoke in support of the law. She stated it was a fair and collaborative process and will work to solve some of the issues. She also discussed Section 6 - applicability and Town-initiated PDDs. She stated that the Town should be held to the same standard as applicants. She further stated that the Town should be required to have a pre-submission work session. She also spoke in support of the super majority issue. She further discussed the pre-pre submission and public notice.
12. Supervisor Throne-Holst stated that they have encouraged applicants to approach a TB member and the Town would not have an actual work session without public notice. She also discussed the pre-pre submission issue.
13. Freda Eisenberg spoke re: Town-initiated PDDs and stated that the Town would meet or exceed these standards.
14. Dr. Bruce King, Pres. HB Civic Association thanked Freda and welcomed the new Town Attorney. He also discussed TB members recusing themselves on certain PDD applications where they have accepted campaign contributions.
15. Andrea Spilka, SH Town Civic Coalition welcomed the new Town Attorney. She thanked the TB for denying the Serenity Estates PDD application. She also spoke in support of the legislation. She also discussed the sex offender trailers and at the Suffolk County legislature.
16. Supervisor Throne-Holst discussed the Suffolk County Executive's veto for the sex offender trailers.
17. Supervisor Throne-Holst discussed the super majority issue and that it must be put to a permissive referendum.
18. Councilwoman Fleming discussed the super majority issue.
19. Town Attorney Tiffany Scarlato discussed the super majority issue and a permissive referendum.
20. Supervisor Throne-Holst discussed campaign contributions from PDD applicants and disclosure by TB members and the law as it exists today.

**2. Public Hearing to Consider Adopting the Hampton Bays Corridor Strategic Plan and the Accompanying Hampton Bays Corridor Strategic Plan GEIS and Cumulative Impact of Build-Out Study as Part of the Southampton Town Comprehensive Plan**

*Adjourned 2/1/2011 6:00 PM, 2/8/2011 6:00 PM, 2/22/2011 6:00 PM, 3/8/2011 6:00 PM*  
**COMMENTS - Current Meeting:**

1. Supervisor Throne-Holst stated this was the second public hearing on this matter. She stated this was a two year effort at the request of the civics and CACs with an eye towards updating the corridor. She also stated that density is the number one concern of the HB community.
2. Scott Carlin of HB discussed the re-zoning Montauk Highway, revamping PDD law, historic preservation, Shinnecock canal, bicycle lanes, tree production, facade improvements, Good Ground Park for passive recreation, strengthening waterfront protection, land acquisition and the HB sub-committee re: energy and traffic recommendations not to install new traffic lights and reduce speed limits. He also discussed the Good Ground Road extension and the significant opposition by the community. He also discussed school taxes and urged the Town to work with the HB school district. He stated that HB is a watershed. He also discussed the Town ZBA and variances He submitted comments into the record.
3. Eve Houlihan, HB - submitted her comments into the record. She discussed disproportionate density, tax burdens, declining house values, deterioration of quality of life, environmental impacts, rural ambiance, water supply and sanitary disposal. She also discussed the 1970 Master Plan re: open space, water supply, stormwater run-off and marine resources. She further discussed disproportionate zoning, the accessory apartments code and motel conversion legislation. She further discussed the 1999 Comp. Plan update, local waterfront revitalization plan, vulnerability re: Bellows Pond Road well field. She also discussed the Good Ground Road extension. She stated that the HB Civic Assoc. and the HB CAC not in support of the road extension. She also discussed TDRs - purpose to protect scenic areas and flexibility of design. She also discussed the Hampton Classic and Sebonac Golf Course as examples of good PDDs. She further discussed the lease arrangements with HB Community Center.
4. Mary Jean Green of HB discussed PBCs. She further discussed the wastewater management forum and that the chromaglass sewage system is unacceptable and should not be used. She stated HB is a critical watershed area. She discussed instituting a waterfront overlay zoning district. She also discussed septic systems, population and density issues. She also discussed the Good Ground Road extension. She submitted comments into the record.
5. Wayne Bruyn, Esq., O'Shea Marcincuk & Bruyn, attorneys spoke on behalf of Hamptons Sunrise LLC owner of single largest parcel in the study area. The landowner is the applicant Tiana Commons which was submitted in 2006. He discussed the 1999 Comp. Plan Update and 1999 HB Center Strategic Plan. He discussed the HB Corridor

Strategic Plan pages 28-33. He stated that the landowner was never invited to be a part of the ad hoc committee and had never been consulted. He stated he was a former Town planner and Town attorney. He stated that the site consists of 17 acres and zoned Highway Business in a R-40 zone. He stated the other parcel was an active junk yard. He stated there were several key issues for the site's future - density and public benefits and there is only 4.81 PBCs in the HB School District. He stated the Study suggested office use, live/work units, industrial, HB uses and a junk yard. He also discussed cross-access in this area and as-of-right development would = 13 one acre lots.

6. Chick Voorhees, Nelson Pope & Voorhees stated he represents Hamptons Sunrise LLC (Tiana Commons) and has been involved since 2005. He stated the PDD application was submitted and the scoping process was progressing. He stated the site was in the compatible growth area of the Pine Barrens and the incentives were to achieve public benefit, PBCs and open space. PDDs should result in a win-win situation. He further stated that his client is a major stakeholder and was not contacted. He also discussed TDRs, density increases and 4.81 PBCs in the HB school district. He stated that the GEIS states that Tiana Commons is a residential receiving area.

7. Dr. Bruce King, Pres. HB Civic Assoc. discussed population control and density. He further discussed water supply and development. He also discussed possible acquisition by CPF and the junkyard.

8. Town Planning & Dev. Admin. Jeff Murphree discussed the Good Ground Road extension and the property to the east that was purchased for open space. He stated that the Good Ground Road extension was recommended by Dunn Engineering, SCDPW and NYSDOT. He also discussed the Pine Barrens Credits of 4.81 is accurate and was derived by Marty Shea.

9. Eve Houlihan HB discussed PBC credits and 400 acres in core area. She also discussed the Good Ground Road extension and CR 39 cones. She discussed PDDs and the cross-access agreement. She also discussed affordable housing in the Town.

10. Scott Carlin of HB discussed the Good Ground Road extension.

11. Mary Jean Green of HB discussed the Good Ground Road extension.

12. Freda Eisenberg thanked everyone for their substantive comments. She stated that the questions will be answered in an FGEIS. She stated that road widening and the term eminent domain was never used. She stated that it was re-striping for bike lanes. She also stated that there was outreach from the Supervisor.

13. Supervisor Throne-Holst suggested adjourning this public hearing to the 3/22 TB meeting.

### III. Public Portion

There were no speakers at this portion of the meeting.

### IV. Closing

There being no further business, Supervisor Throne-Holst made a motion to close, seconded by Councilwoman Fleming. All in favor 5-0.

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SUNDY A. SCHERMEYER, TOWN CLERK

**APPENDIX 34**

**PUBLIC HEARING MINUTES**

**MARCH 22, 2011**

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lilian of Hampton Bays discussed section B of the legislation, the formal application and that benefits should be more clearly defined. She also read comments into the record from Bob Wleboldt re:

Elaine Goebert, co-chair of the SH CAC read a statement into the record re: the Tuckahoe Main Street MUPDD. She spoke in support of the legislation. She also discussed shopping center business zoning on CR 39. She further discussed the CR 39 corridor study.

16. Andrea Spilka, SH Town Civic Coalition spoke in support of the legislation. She discussed the WH Pines PDD (dragstrip) and the lack of community benefits.

17. Councilwoman Graboski discussed the WH Pines PDD and community benefits of the project which included the cessation of the noise from the dragstrip which was unbearable for many citizens in that community. She also discussed the Gabreski Airport CIPDD and the Ag PDD.

18. Councilwoman Graboski discussed the submission requirements, criteria placed in the application itself, community benefits and the standards against which the Town Board can weigh the PDD. She stated that the proposed amendments "front load" the process for pre-submission applications at substantial cost to the applicant and the applicant is then discouraged. She gave the example of a senior housing project in Water Mill.

19. Councilman Nuzzi thanked the Supervisor for the inclusive process. He further discussed the good PDDs in the Town such as the Ag PDDs and Gabreski Airport CIPDD. He discussed what is required in the pre-submission application. He also discussed the economic viability study and the issue of land use and the character of the area.

## 2. **Public Hearing to Consider Adopting the Hampton Bays Corridor Strategic Plan and the Accompanying Hampton Bays Corridor Strategic Plan GEIS and Cumulative Impact of Build-Out Study as Part of the Southampton Town Comprehensive Plan**

*Adjourned 2/1/2011 6:00 PM, 2/8/2011 6:00 PM, 2/22/2011 6:00 PM, 3/8/2011 6:00 PM*

### **COMMENTS - Current Meeting:**

Public Hearing No. 2 was closed with a 30-day written comment period.

1. Asst. Town Planning & Development Admin. Freda Eisenberg stated that this is a study undergoing SEQRA review. She stated that after all comments have been received they are addressed in the Final GEIS ("FGEIS") which is in a comment and response form.
2. Councilwoman Fleming discussed the Good Ground Road extension and the FGEIS.
3. Freda Eisenberg discussed Good Ground Road, the FGEIS and the finding statement.
4. Supervisor Throne-Holst discussed full build-out and the Good Ground Road extension.
5. Councilwoman Graboski inquired as to the process for adopting the Corridor Plan and the DGEIS and if the Plan could be amended at this point.
6. Freda Eisenberg stated that this is the forum for getting that done. She further stated that there was an action plan component.
7. Supervisor Throne-Holst discussed action items.
8. Town Jeff Murphree discussed the SEQRA process. He stated that the DGEIS cannot be changed but the FGEIS is the document which responds to the comments. He also discussed the Links at East Quogue GEIS and the Good Ground Road extension.
9. Councilwoman Graboski discussed the 1970 Master Plan and the extension of Sunrise Highway.
10. Freda Eisenberg stated that the FGEIS was also an opportunity to identify priorities.
11. Eve Houlihan, Hampton Bays stated that these were guidance documents with no mandates and no force of law. She further discussed the availability of potable water, traffic issues and the reconfiguration of Montauk Highway. She further discussed a proper analysis of the cumulative buildout study and also the pending motel/condo conversion study. She further discussed the King Kullen MUPDD, the Aquifer Overlay Protection District and the Central Pine Barrens Compatible Growth Area.
12. Town Attorney Tiffany Scariato discussed the Comprehensive Plan and force of law.

## V. **Public Portion**

1. Elaine Kahl of Southampton discussed Aldrich Street in the Village of Southampton.

## **APPENDIX 35**

### **ARTICLE IIA, “ACCESSORY APARTMENTS” REGULATIONS**

ARTICLE IIA, Accessory Apartments [Added 7-28-1992 by L.L. No. 34-1992EN; amended 12-27-1994 by L.L. No. 62-1994]

§ 330-11.1. Building permit; filing fees; approval. [Amended 4-23-2002 by L.L. No. 7-2002]

A. In order to construct an accessory apartment, the applicant shall apply for and receive a building permit from the Town Building Department in the manner of all other applications for building permits.

B. There shall be a minimum filing fee of \$100 for each application for an accessory apartment. Where the application entails structural alteration of the dwelling, the applicant shall also pay all other applicable fees as provided under § 123-12 of the Town Code.

C. In addition to any other standards, codes, rules or regulations which may be applicable to the construction of an accessory apartment, including the New York State Uniform Fire Prevention and Building Code, the Building Inspector shall certify that the special standards of this article have been complied with.

D. No building permit for the addition of an accessory apartment which requires structural alterations to the exterior of an existing dwelling shall be issued by the Building Inspector until said application has been approved by the full Board of Architectural Review.

E. A permit for an accessory apartment shall be valid for a period of three years and shall expire three years from the date of issuance. Accessory apartments may be renewed upon filing of an application and a fee of \$100 each time renewed. The one-hundred-dollar application fee shall be waived if the accessory apartment is owner-occupied. The Building Inspector shall conduct inspections of the accessory apartment prior to renewing the permit to ensure compliance with state and local codes. At the time the apartment is initially rented to a new tenant or at the time of renewal of the permit and there is a tenant renting the apartment, the owner shall provide documentation to the Building Inspector that demonstrates that the tenant shall meet one or more of the following criteria:

- (1) The tenant is the owner or relative of the owner;
- (2) The tenant is an active member of a volunteer fire department, ambulance corps or the tenant demonstrates a commitment of time on a regular basis to a charitable or not-

for-profit corporation such as a hospital, hospice or school within the Town of Southampton;

(3) The tenant is employed by the Town of Southampton;

(4) The tenant is employed within the Town of Southampton;

(5) The owner decides to voluntarily reserve the apartment for low- or moderate-income housing and this apartment is restricted pursuant to a grant or subsidy from the federal government, State of New York or other municipal agency to provide low- or moderate-income housing consistent with the intent of this chapter, the Building Inspector may accept such restrictions in lieu of the restrictions set forth in this chapter.

§ 330-11.2. Special standards. [Amended 8-22-2000 by L.L. No. 12-2000; 4-23-2002 by L.L. No. 7-2002; 12-23-2003 by L.L. No. 78-2003; 12-13-2005 by L.L. No. 68-2005]

A. Owner occupancy required. The owner or owners of the lot upon which the accessory apartment is located shall reside within the principal dwelling or the accessory apartment, and said dwelling or apartment shall be considered the owner's domicile or principal place of abode. No other owner or owners shall own a larger percentage, collectively or individually, than the owner-occupant. Nothing within this Subsection A shall be deemed to apply to lots held in ownership by the Southampton Housing Authority or any not-for-profit agency to which the Southampton Housing Authority transfers title. The exemption of such not-for-profit agency must be approved by the Southampton Town Board, and such exemption will be determined on a lot-by-lot basis. Such required approval shall in no way affect the management of the lot by the Southampton Housing Authority. [Amended 8-22-2006 by L.L. No. 46-2006; 6-9-2009 by L.L. No. 26-2009]

B. An accessory apartment shall be permitted in a structure that has been issued a certificate of occupancy or a certificate of compliance, or be entitled to the issuance of a certificate of occupancy by virtue of a preexisting status, or is new construction that complies with Chapter 123, Building Construction; Section 164, Fire Prevention; and § 330-5, Definitions: "dwelling, two-family detached" and "accessory apartment." Notwithstanding the above, no permit shall be processed until the lot has a certificate of occupancy for an existing single-family dwelling.

C. The lot to which the accessory apartment is to be added shall have only one dwelling unit in existence on the lot at the time of application for an accessory apartment.

D. No more than one accessory apartment shall be permitted on the lot.

E. No nonconformities or violations of the Town Code shall exist at the time of application for an accessory apartment, except as provided in Subsection F below. The Building Inspector shall inspect the premises upon receipt of a completed application, and the application shall not be processed until all outstanding violations are corrected.

F. The lot containing the dwelling to which the accessory apartment is to be added shall comply with the district area and dimensional regulations, but in no case less than 30,000 square feet. A nonconforming lot may be eligible for an accessory apartment, provided that the lot area is not less than 80% of the required lot area for the applicable zone district, but in no case less than 30,000 square feet. All other dimensional nonconformities shall not be less than 70% of the required setback or lot width. A lot with a nonconformity of a greater degree shall not be eligible for an accessory apartment under this article. Any such request shall be prohibited and can only be treated as an area variance by the Board of Zoning Appeals.

G. Minimum and maximum sizes shall be as follows: [Amended 7-22-2008 by L.L. No. 42-2008]

(1) The accessory apartment shall be a minimum of 400 square feet, and it shall not exceed 35% of the total floor area of the principal dwelling to a maximum of 1,000 square feet on the lot to which the accessory apartment is to be added.

(2) An accessory apartment held in perpetuity in the Town of Southampton for affordable housing and constructed pursuant to Chapter 216 (Housing for Income-Eligible Households; Community Housing Opportunity Fund) shall be a minimum of 400 square feet and shall not exceed 50% of the total floor area of the principal dwelling, to a maximum of 750 square feet, on the lot to which the accessory apartment is added.

(3) Efficiency unit. Notwithstanding the aforementioned Subsection G(1), an efficiency unit occupied by not more than two persons may have a clear floor area of not less than 220 square feet exclusive of kitchen and bathroom areas.

(4) If an accessory apartment is to be constructed in an accessory structure, all habitable living space in that structure will count toward the maximum square footage of the accessory structure.

H. The accessory apartment shall contain no more than two conventional bedrooms.

I. The bedrooms and bathroom shall not provide the sole access to any other rooms or the sole access to the out-of-doors.

J. At least one additional off-street parking space shall be provided for an accessory apartment which is a studio or one-bedroom, and two off-street parking spaces for accessory apartments having two bedrooms, on the lot for the accessory apartment, and such space(s) shall not be located in the required minimum front yard and shall be adequately screened with landscape plantings, which shall include evergreen shrubs, not less than three feet in height at the time of installation.

(1) Only one access driveway shall be permitted on the lot having an accessory apartment.

K. An accessory apartment shall not be permitted on a lot on which exists a bed-and-breakfast, rooming or boarding house, home occupation, home professional office, preexisting accessory apartment, or multiple-family dwelling.

L. If a second or new entrance to the accessory apartment is constructed, ground-floor outside entrances to the accessory apartment shall be from the side or rear yard. Second-floor outside entrances shall be from the rear yard.

M. A dwelling to which the accessory apartment is to be added pursuant to this article shall not be eligible for a seasonal rental permit under Article XIV of this chapter.

N. For existing single-family dwellings, only the owner-occupant of the residence may apply for this building permit and shall execute such agreements, contracts, easements, covenants, deed restrictions or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, will ensure that:

(1) The principal dwelling or the apartment is the domicile of the owner-occupants.

(2) The principal dwelling or the apartment is the domicile of all tenants therein.

(3) The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire residence in which the apartment is located.

(4) All leases of the rental apartment shall be in writing and made available to the Town Building Department upon request and shall be for a minimum of a one-year term. Where the tenant is a relative, a notarized affidavit of proof must be submitted in lieu of a lease for approval by the Chief Building Inspector, prior to the issuance of an accessory apartment permit.

(5) The apartment is properly constructed, maintained and used, and both the apartment and the lot upon which it is constructed are free from any unapproved uses as set forth herein.

(6) Any other conditions deemed reasonable and necessary by the Town to ensure the immediate and long-term success of the apartment in helping to meet identified housing needs in the community are met.

In HO/HC zones: § 330-162.18. Hamlet Office/Residential and Hamlet Commercial/Residential building size. [Added 8-26-2003 by L.L. No. 65-2003]

A. Buildings that are proposed either in the Hamlet Office (HO) or Hamlet Commercial (HC) zoning districts may be greater than 3,000 square feet in size, but no building shall be greater than 6,000 square feet in size, subject to the following standards:

(1) For every 1,000 square feet, or portion thereof greater than 3,000 square feet, of additional building space, one apartment shall be provided subject to requirements set forth in § 330-158. At least one dwelling unit shall be reserved for a moderate-income family as defined in § 330-5; or

(2) A minimum of 50% of the total lot area is restricted from further development and is reserved for a park, undisturbed open space, regional stormwater detention facility or public right-of-way or other similar benefit to the public.

B. For buildings larger than 3,000 square feet, up to a maximum of 4,000 square feet, the minimum side and rear transition yard shall be 35 feet.

C. For buildings larger than 4,000 square feet, the minimum side and rear transition yard shall be 50 feet.

§ 330-162.19. Hamlet Office/Residential and Hamlet Commercial/Residential dwellings. [Added 8-26-2003 by L.L. No. 65-2003]

A. For a three-family detached dwelling, one development right shall be acquired or one Pine Barren credit (PBC) pursuant to Article XXIV of this chapter or at least one dwelling unit shall be reserved for a moderate-income family as defined in § 330-5. There shall be no more than three dwelling units per lot.

B. For a four-family detached dwelling, one development right or one (1) Pine Barrens Credit (PBC) shall be acquired pursuant to Article XXIV of this chapter. In addition, at least one dwelling unit shall be reserved for a moderate-income family as defined in § 330-5. There shall be no more than four dwelling units per lot.

C. Rental or ownership of dwelling units reserved for affordable housing shall comply with the requirements of Chapter 216 of the Town Code.

D. Owner occupancy required. The owner or owners of the lot upon which the accessory apartment is located shall reside within the principal dwelling or the accessory apartment, and said dwelling or apartment shall be considered the owner's or owners' domicile or principal place of abode. No other owner or owners shall own a larger percentage collectively or individually than the owner-occupant.

E. At least one additional off-street parking space shall be provided for on the lot for the accessory apartment, and such space(s) shall not be located in the required minimum front yard. The Building Department may require additional off-street parking spaces where the occupant(s) of the dwelling or accessory apartment own more than one vehicle.

F. If a second or new entrance to the accessory apartment is constructed, ground floor outside entrances to the accessory apartment shall be from the side or rear yard. Second-floor outside entrances shall be from the rear yard.

G. A dwelling to which the accessory apartment is to be added pursuant to this article shall not be eligible for a seasonal rental permit under Article XIV of this chapter.

H. Only the owner-occupant of the residence may apply for this building permit and shall execute such agreements, contracts, easements, covenants, deed restrictions or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, will ensure that:

- (1) The principal dwelling or the apartment is the domicile of the owner-occupants.
- (2) The principal dwelling or the apartment is the domicile of all tenants therein.



- (3) The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire residence in which the apartment is located.
- (4) All leases of the rental apartment shall be in writing and made available to the Town Building Department upon request and shall be for a minimum of a one-year term.
- (5) The apartment is properly constructed, maintained and used, and unapproved uses are excluded therefrom.
- (6) Any other condition deemed reasonable and necessary to ensure the immediate and long-term success of the apartment in helping to meet identified housing needs in the community is met.

In Business districts: § 330-158. Apartments in certain business districts. [Amended 4-23-2002 by L.L. No. 8-2002]

A. The site may be located in a Mixed-Use or Commercial Planned Development District, VB Village Business or OD Office Business District, or HO or HC District. [Amended 8-26-2003 by L.L. No. 65-2003]

B. The apartment may not be located on the ground floor but shall be located on the second floor over offices or retail shops or stores.

C. The apartment shall have no more than two bedrooms.

D. The apartment shall comply with the minimum floor area requirements under § 330-105C.

E. Only one apartment shall be permitted for each office or retail shop store, but no more than two in any building, except that this number may be increased, at the request of an applicant/owner and at the discretion of the Planning Board, to provide some number of units of affordable housing for moderate-income families as defined in § 330-5. The ratio of units for moderate-income families and other units shall be determined by the Planning Board, but no less than 20% of the total number of units being provided in any one project. The total number of apartment units allowed shall be based on one apartment unit per 1,250 square feet of business, office or retail shop.

F. Initial and continued eligibility priority for occupancy (rent) of units for moderate-income families shall be verified by the Director of Community Development.

(1) The Director shall determine initial eligibility priority on the following basis:

(a) Persons who are qualified active members in service as volunteers in an agency providing firematic protection or ambulance services in the Town of Southampton as determined by such agency's approved list submitted for the Length of Service Award Program (LOSAP). A higher priority to those volunteers currently residing in the affected school district. The term "qualified active member" shall mean a volunteer involved in providing firematic protection of emergency medical services in the Town of Southampton, including but not limited to volunteer firefighters, volunteer fire police, volunteer emergency medical technicians, as decided by the administration or by laws of the given agency providing such firematic protection or emergency services. For purposes of administering the provisions of this chapter for qualified active members, the Town of Southampton shall utilize the approved list compiled by the given agency for Length of Service Award Program (LOSAP) and any supplemental listings provided by the given agency which list persons who have met the point requirements of LOSAP having remained active in service but no longer are eligible for LOSAP listing due to age restrictions.

(b) Residents of the Town of Southampton, in order of number of years as resident. A higher priority to those residents currently residing in the affected school district.

(c) Persons employed in the Town of Southampton.

(d) All others.

(e) Where a unit reserved for low- or moderate-income housing is restricted pursuant to a grant or subsidy from the federal government, State of New York or other municipal agency to provide low- or moderate-income housing consistent with the intent of this chapter, the Director may accept such restrictions in lieu of other restrictions set forth in this chapter.

(2) The Director shall review tenants' leases, income and other relevant documents for continued eligibility on an annual basis.

G. Parking requirements shall be in accordance with the provision of § 330-94 for a multiple dwelling. This requirement may be waived by the Planning Board if adequate municipal or on-site parking is available.

H. The apartment shall meet the definition of a dwelling unit pursuant to § 330-5 of this chapter.

I. The proposed residential use shall be compatible with the business use within the building. Any change in the business use shall be treated as a special exception use and shall require the approval of the Planning Board.

J. All requirements of the New York State Building Code and all other applicable state and local regulations shall be complied with.

K. The apartment shall be for year-round use and shall not be eligible for a seasonal rental permit under Article XIV of this chapter.

**APPENDIX 36**

**NEW YORK STATE LAW  
ARTICLE 42  
LOCAL WATERFRONT  
REVITALIZATION PROGRAMS**

**§ 915. Optional local government waterfront revitalization programs for coastal areas and inland waterways.**

1. It is the intention of this article to offer the fullest possible support by the state and its agencies to those local governments that desire to revitalize their waterfronts. Accordingly, any local government or two or more local governments acting jointly which has any portion of its jurisdiction contiguous to the state's coastal waters or inland waterways and which desires to participate may submit a waterfront revitalization program to the secretary as herein provided.

2. The secretary may provide technical and financial assistance as provided in sections nine hundred seventeen and nine hundred eighteen to any local government for the preparation of a waterfront revitalization program for the purposes of this article.

3. A local government or two or more local governments acting jointly which intends to submit a waterfront revitalization program for the purposes of this article is strongly encouraged to consult, during its preparation, with other entities that may be affected by its program, including local governments, county and regional agencies, appropriate port authorities, community based groups and state and federal agencies. On request by the local government, the secretary shall take appropriate action to facilitate such consultation.

4. The secretary shall prepare and distribute guidelines and regulations for local governments desiring to prepare, or cause to be prepared, a waterfront revitalization program (hereinafter referred to as the "program"). Such guidelines shall provide that the program will be consistent with the policies and purposes of this article generally and shall include, but not be limited to:

- a. Boundaries of the waterfront area;
- b. An inventory of natural and historic resources of the waterfront area to be protected;
- c. A statement of the goals and objectives of the program;

- d. Identification of the uses and projects, public and private, to be accommodated in the waterfront area;
- e. Description of proposed means for long-term management and maintenance of waterfront development and activities including organizational structures and responsibilities and appropriate land use controls;
- f. Description of necessary and appropriate state actions for successful implementation of the program; and Article 42: (910 – 923) Waterfront Revitalization Of Coastal Areas And Inland Waterways.
- g. Specification of the adequate authority and capability of the local government to implement the program.

5. The secretary shall approve any local government waterfront revitalization program as eligible for the benefits set forth in section nine hundred sixteen of this article if he finds that such program will be consistent with coastal policies and will achieve the waterfront revitalization purposes of this article. In making such determination, the secretary shall find that the program incorporates each of the following to an extent commensurate with the particular circumstances of that local government:

- a. The facilitation of appropriate industrial and commercial uses which require or can benefit substantially from a waterfront location, such as but not limited to waterborne transportation facilities and services, and support facilities for commercial fishing and aquaculture.
- b. The increased use of and access to coastal waters and the waterfront for water-related activities such as boating, swimming, fishing, walking and picnicking.
- c. The promotion and preservation of scenic, historic, cultural and natural resources as community amenities and tourist designations.
- d. The strengthening of the economic position of the state's major ports and small harbors.
- e. The redevelopment of deteriorated or formerly developed waterfronts through the re-use of existing infrastructure and building stock and the removal of deteriorated structures and unsightly conditions that have negative effects upon

the waterfront area and adjacent neighborhoods, and appropriate new development.

f. The application of local aesthetic considerations in the design of new structures and the redevelopment of waterfront sites.

g. The protection of sensitive ecological areas, including but not limited to dunes, tidal and freshwater wetlands, fish and wildlife habitats, and the protective capability of coastal land features. Such protection will assure that land use or development will not affect such areas.

h. A statement identifying those elements of the program which can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs, grant, loan, subsidy or other funding assistance programs, facilities construction and planning programs which may affect the achievement of the waterfront revitalization program.

i. The establishment of a comprehensive harbor management plan and the means for its implementation.

\*5a. Nothing herein shall preclude the secretary from approving a portion or component of a local waterfront revitalization program provided such portion or component constitutes a discrete and cohesive, yet comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management or economic considerations.

\* NB Effective upon approval by the secretary of commerce

6. Before approving any such waterfront revitalization program, or any amendments thereto, as eligible for the benefits of this article, the secretary shall consult with potentially affected state and federal agencies; the Article 42: (910 – 923) Waterfront Revitalization Of Coastal Areas And Inland Waterways.

## **APPENDIX 37**

### **LETTER FROM LIPA OUTLINING ENERGY DELIVERY PLANS FOR LONG ISLAND**



Dear Reader:

Like the rest of the nation, Long Island continues to face economic challenges, however, we remain hopeful that there will be a steady recovery in 2011. At LIPA, we continue to promote the importance of energy efficiency through new programs and initiatives which will help our customers reduce their electrical consumption thereby lowering their bills, protecting the environment and assisting LIPA in meeting Long Island's future energy needs. Over the last thirteen years (1997-2009), residential electric usage per household on Long Island has increased by 1,510kWh, or 20%-enough electricity to power an average home for 60 days. The increased usage is primarily attributable to larger square footage of homes, increased use of room and central air conditioners, more homes with large screen and plasma TV's as well as desktop and laptop computers. In 2009, the average residential home on Long Island used 9,247kWh per year. This usage represents a decrease from 2008 due to the weak economy coupled with the ongoing success of LIPA's Efficiency Long Island program. However, as the economy rebounds, electric use is expected to grow over the long term. LIPA continues to make significant strides to meet the growing energy demands of Long Islanders. Since 2001, LIPA has added approximately 2,150 megawatts (MW) of new reliable electric supply, including the 286 MW from the Caithness Long Island Energy Center that commenced operations in August 2009. Caithness is the most energy-efficient and environmentally- friendly state of the art power plant on Long Island. As the Long Island population continues to grow and our economy continues to rebound, so will our appetite for energy and capacity in order to meet our reliability obligations set forth by the State and keep pace with peak demand. In 2010, LIPA issued an RFP for up to 2,500 MW of new and or repowered generation to serve the energy needs of Long Island which is consistent with our updated 2010-2020 Master Energy Plan.

This summer Long Island experienced one of the hottest summers and peak usage on record. On July 6, 2010 LIPA reached a new peak hour record of 5,825 MW, an increase of 33 MW over 2006 peak hour record of 5,792 MW. While Long Island's population increased slightly in 2010 and overall electric usage has experienced a minimal decrease

due to a flat economy, research shows that Long Island's energy demands will continue to grow. While consumption may increase, it is imperative that we give our customers the necessary tools to help curb their electric usage through energy efficient measures.

As LIPA continues to plan for Long Island's energy future, we have been proactive in creating nationally recognized programs that will help to reduce Long Island's energy consumption. Now in its third year, LIPA's Efficiency Long Island program is proving to be successful in assisting LIPA's residential and commercial customers in reducing their energy use and lowering their bills by incorporating energy efficient measures, providing rebates on energy efficient products and offering tools to assist LIPA customers in managing their energy use. LIPA's Efficiency Long Island's goal is to reduce peak demand by 520 MW by 2018, deferring the need to build a new generating plant and reducing greenhouse gas emissions by 1.5 million metric tons of CO<sub>2</sub> between 2009 and 2018. Under Efficiency Long Island, LIPA customers can participate in our renewable energy programs offering rebates for solar and wind installations. LIPA's Cool Homes Program offers up to \$700 in rebates for new or replacement CAC's or heat pumps on qualified efficient systems. LIPA customers can also participate in a free energy audit under LIPA's Home Performance with ENERGY STAR. Partnering with Long Island retail outlets enables LIPA to offer rebates on the purchase of ENERGY STAR qualified appliances, CFLs and lighting fixtures. In addition to the residential benefits of Efficiency Long Island, commercial customers are eligible for up to \$300,000 in financial incentives for the installation of qualified energy-efficient equipment in buildings under construction or renovation as well as rebates for the installation of geothermal systems.

This year LIPA introduced the Home Assistance Rate program to assist low income customers. In 2011, this program will reduce bills of eligible residential customers by 1.9%. LIPA continues to offer the Residential Energy Affordability Partnership (REAP) program which provides qualifying customers educational tips as well as free installation of energy-efficient air sealing, insulation, HVAC repair, lighting and other energy-saving measures. Make no mistake, Long Island's appetite for energy will continue to grow, and while there is no silver bullet for solving our energy needs, rest assured we are working

hard every day at LIPA to secure our energy future through a multi-pronged approach which includes, promoting energy efficiency and renewable energy, acquiring new on and off-Island resources, and continuing to update our Master Energy Plan in order to fulfill our mission of delivering highly reliable and economical electric service to our valued customers.

Sincerely,  
Michael Hervey, Chief Operating Officer  
Long Island Power Authority